



STATE OF DELAWARE

Division of Development Disabilities Services Task Force

Meeting Minutes – October 23, 2019

1 Senator Stephanie L. Hansen, Co-Chair, called the meeting to order at 1:00 p.m. Those present
2 were Representative Kendra Johnson, Co-Chair, Representative Kevin S. Hensley, Marissa
3 Catalon, Deputy Director for the Division of Development Disabilities Service (DDDS), Laura
4 Strmel, Director of Employment Services at St. John's, Bianca Allegro, Director of Delaware
5 Mentor, Terri Hancharick, Chair of the Advisory Council for DDDS, Vice-Chair of the State
6 Council for Persons with Disabilities, Kyle Hodges, Policy Director for the State Council for
7 Persons with Disabilities, Gary Heckert on behalf of Rita M. Landgraf, University of Delaware
8 and former Cabinet Secretary for Department of Health and Social Services. Senator Anthony
9 Delcollo, Gary Cassedy, Michele Mirabella, Roy LaFontaine III, Allan R. Zaback, and Albert
10 Anderson, Jr. were not present. A quorum was met.

11 Co-Chair Hansen welcomed everyone and asked for introductions of those in attendance and the
12 organization they represent.

13 A motion was made to accept the October 9, 2019 minutes as presented by Representative Hensley.
14 Representative Johnson asked for a point of clarification on how the attendance shows her as
15 present on the top of the minutes but absent for a vote. Holly Vaughn Wagner clarified by stating
16 that although she was present for the meeting via telephone, she was not present for the motion
17 and vote to approve the minutes. The motion was seconded by Laura Strmel. All in favor, no
18 opposed, the motion carried, 9-0. Senator Anthony Delcollo, Gary Cassedy, Michele Mirabella,
19 Roy LaFontaine III, Allan R. Zaback, and Albert Anderson, Jr. were absent.

20 Holly Vaughn Wagner, Division of Research and JLOSC Attorney, discussed the FOIA
21 requirements for an Executive Session of the DDDS task force and its subcommittees. The meeting
22 notices are to include the date, time, and location of the meeting and must be posted on the
23 legislative website, the Delaware Public Meeting Calendar, and in the location of where the
24 meeting will be held at least seven calendar days prior to the meeting date. A statement must be
25 included on the meeting notice and agenda that the task force or subcommittee may enter executive
26 session and explain the reason, within the statute, for the executive session. The executive session
27 should be used on very rare occasions and only for discussion of a specific person or personnel
28 matter. The committee must vote to go into executive session and no votes can occur in the
29 executive session. The committee must return to a public session and conduct any votes at that
30 time. Mark Brainard, JLOSC Analyst, will post all required documents. A quorum consists of the
31 majority of members and is required for all votes taken, but not necessary for the discussion of

business. Members of the task force were asked to contact Holly Vaughn Wagner for any questions on this process.

Gabriela Kejner from DHSS stated that the first meeting of the Structure/Leadership Subcommittee occurred before this discussion and questioned when minutes from that meeting would be available. Mark Brainard stated that the plan was to have the draft minutes approved by the subcommittee at the next meeting, so they could be posted on both the legislative website and the State Public Meeting Calendar.

Co-Chair Hansen moved to item number 3, an update on the Task Force Subcommittees. Co-Chair Kendra Johnson, chair of the DSP subcommittee, stated that the first meeting was held on October 18, 2019 at Elwyn Delaware (321 11th St. Wilmington, DE) and featured a great turnout from the public. Representative Johnson stated that she asked everyone to introduce themselves and state why they were interested in becoming a part of the subcommittee. The synopsis of the legislation was then discussed, and Gary Cassedy volunteered to provide information on the rate structure, so the subcommittee would be on the same page. There was also a discussion on collecting information relating to National Core Standards, providing a list of day and residential providers, and following up with DDDS regarding turn-over rates and data. The next meeting will be November 1, 2019 in Legislative Hall. The minutes are currently being prepared and will be sent to Mark Brainard for posting.

Laura Strmel, Chair of the Substantiated Incidents Subcommittee, stated that the subcommittee met immediately prior to this task force meeting (held on October 23, 2019). There was a great turnout for this meeting with only two subcommittee members not present. A family member on the subcommittee brought up a concern on confidentiality. Terri Hancharick and the Ability Network of Delaware offered that Attorney General Kathy Jennings is looking into the issue of access to information after an investigation or incident. The data collected from DDDS has been given to members of the subcommittee. A concern came up that some older data existed but was categorized differently impacting the overall conclusion. The subcommittee recommended that the task force vote to request the data methodology DDDS is currently using, and to receive any data that may have changed.

Terry Olson from the ARC of Delaware stated that some of the data had been miscategorized and corrections would be made. Marissa Catalon said that the information is from FY17 and additional work is being done to clarify the collection and categorization of data. A concern expressed by the subcommittee surrounded notification of the providers and families if the categorization of incidents were changed from substantiated to unsubstantiated. Bianca Allegro stated that there may be some concern as to whether the data comes from the Harmony System, which is why looking at the how the data is collected will help the subcommittee. Co-Chair Hansen repeated the motion from Laura Strmel that DDDS provide the current data methodology and identifying any data that may have changed to the subcommittee. The motion was seconded by Representative Hensley, with all present voting in favor, no opposed and Senator Anthony Delcollo, Gary Cassedy, Michele

Mirabella, Roy LaFontaine III, Allan R. Zaback, and Albert Anderson, Jr. absent. Kyle Hodges questioned how the Substantial Incidents Subcommittee was going to work in conjunction with the Regulations Subcommittee. Laurel Strmel stated that while it has not been discussed yet, it will be part of the discussions moving forward.

LJ Thomas spoke on behalf of Allan Zaback, the chair of the Structure & Leadership Subcommittee, which held its first meeting on October 8, 2019. On October 11, 2019, Chair Zaback submitted a list of information requests to DDDS including turn-over rates, job descriptions, vacancies for case managers. Marissa Catalon stated the request was received, and DDDS was working on getting the information that was requested. The next meeting of the subcommittee was scheduled for November 5, 2019.

Co-Chair Hansen shifted to the Regulations Subcommittee. There was not a member present to provide an update and a meeting had not been scheduled.

Co-Chair Hansen moved to the Prevailing Service Delivery Issues Subcommittee. While there was no one present at the meeting, Mark Brainard read an email from the chair of the subcommittee, Michele Mirabella, stating the first meeting was held on October 11, 2019. The subcommittee discussed how to better tackle its assigned policy areas and review the guide to PROBIS. The members agreed to conduct case studies for each area so that the findings were organized when presented to the committee. The next meeting was scheduled for November 1, 2019 at 10:00 am. in Legislative Hall.

Co-Chair Hansen asked if there were any additional updates from task force members. There was nothing additional from those in attendance.

Co-Chair Hansen requested that everyone look over the written public comment provided anonymously by two DDDS employees.

Co-Chair Johnson stated that it was a wonderful idea to create the subcommittees, which has already assisted in meeting the goals of the task force.

With no additional comments, Co-Chair Hansen adjourned the meeting at 3:02 p.m.

Respectfully prepared by:

Amanda McAtee and Mark Brainard, Jr., JLOSC Analysts, Joint Legislative Oversight and Sunset Committee.

Access to the audio recording of this proceeding is available upon request.